

Remarks

Applicant and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Claims 1, 2, and 4-6 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1 and 5 are independent claims; the remaining claims are dependent claims. Claims 1, 2, and 4-6 continue to stand rejected under 35 U.S.C. § 102(b) as being anticipated by Becke et al. (U.S. Patent No. 5,695,678) (hereinafter "Becke"). Applicant would like to note that while the outstanding Office Action indicates Claims 1-6 were pending and, in the detailed action, that Claims 1-7 were rejected, Claims 3 and 7 had already been cancelled via Applicant's Response and Amendment dated November 29, 2005. Therefore, the present submission is directed toward Claims 1, 2, and 4-6. Reconsideration and withdrawal of the present rejections is hereby respectfully requested.

Claim Rejection under 35 U.S.C. § 102(b)

The Applicant's remarks provided in the previous Amendment, dated November 29, 2005, remain equally applicable to the present rejections and are, therefore, incorporated by reference as if fully set forth herein.

As best understood, Becke appears to relate to "[a] catalyst system based on monoazadiene metal complexes and their use for the polymerization of unsaturated compounds, especially for the polymerization and copolymerization of olefins and/or

dienes.” (Col. 1, Lines 4-8). The monoazadiene metal complex as used in Becke is generally defined by formula (I). (Col. 2)

In contrast to Becke stands the present invention, which in at least one embodiment, relates to “[a]nti-ageing agents based on organic compounds containing conjugated azadiene groups, which are capable of providing rubber vulcanisates with long-term protection.” (Page 1, Lines 5-7)

Simply, Becke fails to disclose the anti-ageing azadiene compound(s) as presently claimed. Instead, Becke appears to disclose a metal complex polymerization catalyst, wherein the metal complex includes a monoazadiene. Although the metal complex of Becke contains a monoazadiene, the same does not meet or teach the presently claimed invention’s method for improving the aging characteristics of rubber mixtures or a rubber mixture comprising such anti-aging agents, rubber monomers and vulcanizing agents. Independent Claims 1 and 5 presently recite, *inter alia*, “A method for reducing the aging characteristics of a rubber vulcanizate comprising admixing an anti-aging agent, based on organic compounds comprising azadiene groups of the general formula (I)” and “A rubber mixture comprising at least one rubber monomer, at least one anti-aging agent and a vulcanizing agent, wherein the anti-aging agent is based on organic compounds comprising azadiene groups of the general formula (I)”, respectively.

The Office provides that the above elements of Claims 1 and 5, as well as the remaining elements of the claims, are taught by Becke. In support of this position the Office indicates, “Becke teaches the anti-aging of the present claims as part of a catalyst. See Beck[e], col. 7, line 26 through col. 8, line 40. The use of the catalyst

as a part in polymerizing olefins and diene to produce rubbers are clearly taught by Becke. See Becke Claims.” (Office Action at Pages 2-3) After reviewing the referenced sections, along with the remainder of Becke, the Applicants must respectfully disagree with the Office's assertions as to what is disclosed or even suggested to one skilled in the art by Becke.

At most the referenced section appears to provide for “[t]he preparation of the monoazadiene metal complex” and the use of the prepared “[c]atalyst system for the polymerization of unsaturated compounds, especially of olefins and dienes.” Furthermore, it appears Becke provides that “rubbers” can be prepared “based on copolymers of ethylene with one or more of the [alpha]-olefins and dienes mentioned.” Thus what is disclosed fails to relate to or teach the presently claimed invention, e.g. an anti-ageing agent based on conjugated azadiene compounds and/or a rubber mixture comprising the same.

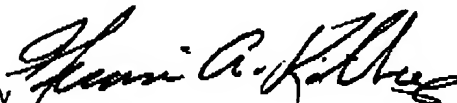
Nowhere in the cited sections or elsewhere in the reference is the use of an azadiene compound for anti-ageing ever considered or suggested. Moreover, the reference fails to relate to non-metal-complex azadiene compounds, as shown in all of the formulas provided in Becke. Of course this makes sense since the complexes are being used in Becke as polymerization catalysts and not anti-ageing agents.

Since the cited art fails to teach all of the elements of the presently claimed invention, Applicant respectfully submits that the applied art does not anticipate the present invention because, at the very least, “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction.” W.L.

Gore & Associates, Inc. v. Garlock, 721 F.2d 1540, 1554 (Fed. Cir. 1983); see also
In re Marshall, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

In view of the foregoing, it is respectfully submitted that independent Claims 1 and 5 fully distinguish over the applied art and are thus allowable. By virtue of dependence from Claims 1 and 5, it is thus also submitted that Claims 2, 4, and 6 are also allowable at this juncture. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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